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OFFICE OF PETITIONS

ON PETITION

In re Application of
Carl O. Olsson
Application No. 10/805,200
Filed: March 22, 2004
Title of Invention: APPARATUS AND
METHODS FOR REGULATING ELECTRIC
POWER

This is a decision on the petition under 37 CFR 1.137(b),¹ filed January 23, 2008, to revive the above-identified application.

The petition is **GRANTED**.

A non-Final Office Action was mailed February 21, 2006. A response was due not later than May 21, 2006. A response in the form of an amendment was filed May 22, 2006 with a certificate of mail dated May 11, 2006. However, on June 1, 2006 the applicant was advised in a "Notice of Non-Compliant Amendment" that the amendment filed was non-compliant under 37 CFR 1.121. The time for response was one month from the mailing of the June 1, 2006 Notice. Although an extension of time request was filed June 20, 2006, it was filed without the required extension of time fee and without the response to the non-final Office Action. Subsequently on July 10, 2006 (certificate of

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137©)).

mail date July 4, 2006) a response was filed, again though without an extension of time and fee. Thereafter, on July 21 2006, a Notice was sent advising that for the response filed July 10, 2006 to be timely, a one month extension of time fee was required. Petitioner did in fact respond in August 14, 2006 (certificate of mail date August 7, 2006) with a one month extension of time but unfortunately in this case, the extension of time only extended the period for reply to August 1, 2006. Thus the application became abandoned and accordingly, a Notice of Abandonment was mailed June 25, 2007. A petition to revive under 37 CFR 1.137(a) was filed August 7, 2007 but was dismissed in a decision mailed September 17, 2007.

Comes now petitioner with the instant petition to revive under the unintentional standard.

All requirements under 37 CFR 1.137(b) having been met, including the filing of a supplemental amendment on January 23, 2008, this matter is being referred to Technology Center 2838 for treatment of the amendment, as appropriate.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212:

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions